

REMARKS

Upon entry of the foregoing Amendment, claims 1-10 and 18-23 are pending in the application. Claims 1-10 and 18-23 have been amended. Claims 11-17 are cancelled. No claims are newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

EXAMINER INTERVIEW

Applicants thank Examiner Pond for granting Applicants' representative the courtesy of an Examiner Interview on April 24, 2007. During the Examiner interview, Applicants' representative discussed the claims in light of the rejections as set forth below in further detail.

REJECTION UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1-10 and 19-23 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Pub. No. 2001/0029485 to Brody et al. ("Brody"). Office Action at 4-7. Applicants traverse this rejection because Brody does not disclose each and every feature of the claimed invention.

More particularly, Brody does not disclose at least the feature of "populating, without user interaction, at least one field of the order form with the received anonymous data, wherein the user anonymously initiates the on-line transaction with the merchant using the populated order form," as recited in claim 1, for example. The Examiner alleges that Brody teaches this feature at paragraph 0047, which relates to an Anonymous Transaction Server (ATS) that uses a cookie residing on a consumer machine to obtain a merchant's Uniform Resource Locator (URL). As such, the Examiner alleges that using the obtained cookie, the "ATS and merchant site can communicate without user interaction." Office Action at 6.

Applicants disagree with the Examiner's assessment for at least the reason that Brody, by having the ATS and merchant site communicate with each other, does not disclose populating fields of an on-line order form with anonymous data. Specifically, claim 1 recites,

among other things, that “the user anonymously initiates the on-line transaction with the merchant using the populated order form.” In other words, the user requests the anonymous data from the information broker, and subsequently initiates the transaction using the order form that has been automatically populated with the anonymous data generated by the information broker.

By contrast, Brody unequivocally indicates that “the entire transaction between the merchant and ATS is facilitated through communications which are virtually invisible to the consumer.” Brody at 0047. As such, by shielding the user from the internal processing of an anonymous transaction, Brody does not populate an order form so that the user can self-initiate the transaction. See Brody at 0047. Further, even in other passages that disclose providing anonymous data directly to the user, Brody indicates that the user must manually input the anonymous data in response to a merchant query. See Brody at 0050; Fig. 3.

Accordingly, for at least the foregoing reasons, Brody does not disclose at least the feature of “populating, without user interaction, at least one field of the order form with the received anonymous data,” as recited in claim 1, for example. For at least this reason, Brody fails to disclose all the features of the claimed invention. Accordingly, the rejection is improper and must be withdrawn.

Claims 6 and 21 include features similar to those set forth in claim 1. Claims 2-3, 5, 7-8, 10, 19-20, and 22-23 depend from and add features to one of claims 1, 6, and 21. Thus, the rejections of these claims are likewise improper and must be withdrawn for at least the same reasons.

Furthermore, Brody does not disclose at least the feature of “receiving, from the information broker, . . . an anonymous address associated with a delivery service, the anonymous address including a code associated with the user’s delivery address, wherein the user anonymously initiates the on-line transaction with the merchant using at least the anonymous address,” as recited in claim 4, for example. The Examiner alleges that Brody teaches this feature at paragraph 0005, 0041, 0045, and Fig. 3. Office Action at 6. In particular, the Examiner alleges that “anonymous card data includes customer’s address . . . upon merchant request for . . . shipping address.” Office Action at 6.

Applicants disagree with the Examiner's characterization of Brody for at least the reason that the address information discussed in Brody does not relate to "an anonymous address associated with a delivery service," as recited in claim 4, for example. For example, in paragraph 0005, Brody merely addresses drawbacks of non-anonymous transactions, such as increased solicitation or potential fraud. Furthermore, paragraphs 0041 and 0045, as well as Fig. 3, only relate to anonymous credit card data. Although the ATS requests user "identification information, such as . . . address," the address information is only used "to establish consumer identity and contact information." Brody at 0041.

The anonymous credit card attributes discussed by Brody are limited to "a card number and a name," and apparently relate only to routing financial information to request charges from a bank, credit card company, or other financial institution. See Brody at 0045. The shipping information provided to the merchant appears to be the customer's actual shipping information, not "an anonymous address associated with a delivery service." As such, Brody does not disclose anonymous credit card attributes that include "an anonymous address associated with a delivery service, the anonymous address including a code associated with the user's delivery address." For at least this reason, Brody fails to disclose all the features of the claimed invention. Accordingly, the rejection is improper and must be withdrawn.

Claims 9 and 21 include features similar to those set forth in claim 4. Claims 22-23 depend from and add features to claim 21. Thus, the rejections of these claims are likewise improper and must be withdrawn for at least the same reasons.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claim 18 under 35 U.S.C. § 103 as allegedly being unpatentable over Brody in view of the Examiner's Official Notice. Office Action at 7. Applicants traverse this rejection because the Examiner has failed to establish a *prima facie* case of obviousness, for at least the reason that Brody, either alone or in combination with the Examiner's Official Notice, does not disclose, teach, or suggest every feature of the claimed invention.

More particularly, as set forth in greater detail above, Brody does not disclose, teach, or suggest at least the feature of "a populating module that populates, without user interaction, at least one field of the order form with the received anonymous data, wherein the user anonymously initiates the on-line transaction with the merchant using the populated order form," as recited in claim 6, for example.

The Examiner's Official Notice fails to cure this deficiency of Brody with respect to claim 6. Claim 18 depends from and adds features to claim 6. For at least this reason, Brody, either alone or in combination with the Examiner's Official Notice, fails to disclose, teach, or suggest all the features of the claimed invention. Accordingly, the rejection is improper and must be withdrawn.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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